

REMARKS

Entry of the above amendments is respectfully requested. Original claims 1-19 were previously pending. Claims 1, 8-9, 11-13 and 17-18 are hereby amended. Favorable reconsideration and allowance of the application is respectfully requested in light of the foregoing amendments and the remarks which follow.

Drawings

The drawings were objected to for the reasons stated in the Office action at paragraph 1 of page 2. The proposed drawing changes of the enclosed Annotated Marked-Up Drawing sheet and the formal Replacement Sheet are believed to address each of the issues raised.

Specifically, the drawings are now shown with proper cross-hatching and of a larger scale to address points 1a and 1c in the Office action.

Regarding point 1b, the reference numbers 24 and 28 shown in the drawings have been incorporated into paragraph 18 to refer to the shaft and shaft hub, respectively. Note that reference number 60 is stated in the description at para. 19 to refer to a "groove".

Regarding point 1d, the spring 90 is in fact shown in Fig. 2 biased against the end piece 82 as stated in the specification as represented by the vertical line just to the right of the vertical line defining the right side of the end piece.

Regarding point 1e, the drawings show that the spring 90 bears against the end piece 80 and the end piece 82 and in so doing it works off of the inner guard sleeve to bias the center guard sleeve axially toward the outer guard sleeve. This captures the subject matter of claims 3 and 13. As best seen in Fig. 1, the drawings also illustrate a widened head 104 of the tab 100 that is wider than a segment of the slot 102, generally as recited in claims 9 and 18.

Regarding point 1f, Fig. 1 now shows the tab and slot arrangement of the claims in the same manner as Fig. 2, albeit when the guard is contracted.

Thus, all of the drawings objections are believed to have been addressed and overcome by the proposed changes. Applicants thus ask the drawing changes be

accepted and that the formal Replacement Sheet substituted for the drawings previously of record.

Specification

The specification is hereby amended as stated above to address the issues raised in paragraphs 3 and 4 of the Office action.

Regarding the paragraph 3 issue, paragraph 6 of the specification has been amended to properly identify the noted patent as U.S. patent 3,031,865.

The paragraph 4 issues pertain to objection of the specification for not providing antecedent basis for the claims noted in 4a-4d of the Office action. Applicants wish to note that the written description of an application includes the Summary of the Invention section, and that support for the noted claims can be found in paragraphs 10 and 12-14 thereof. Despite this, paragraphs 22-24 have been amended to explicitly recite the noted claim limitations in the Detailed Description of the Preferred Embodiment section.

Thus, the objections to the specification are believed to have addressed.

Claims

A. Claim Objection

Claim 12 was objected to because the elements of the claim were not separated by line indentation. Amended claim 12 now has its elements presented on separate lines so as to avoid the noted objection.

B. Indefiniteness

Claim 11 was rejected as indefinite for reciting "the guard sleeve". Claim 11 is hereby amended to recite that "at least one" guard sleeve is co-axial with the shaft axis. This is believed to overcome the indefiniteness rejection.

C. Allowable Claims

Claims 8-10 and 17-18 were objected to but deemed allowable if rewritten to include the limitations of the base and any intervening claims. Claims 8 and 17 are hereby each rewritten in independent form.

Amended claim 8 includes the limitations of base claim 1 and the subject matter of intervening claims 5 and 6. After reviewing the prior art, it is believed unnecessary

to include the limitations of intervening claim 7 regarding the center guard sleeve being linked to the inner guard sleeve and biased toward the outer guard sleeve. As such, amended claim 8 does not include this subject matter.

Amended claim 17 includes the limitations of base claim 12 and intervening claims 15 and 16, without defining which of the inner or outer sleeves is linked to the center sleeve.

Also, in both amended claims 8 and 17, the language pertaining to the sleeves being disposed about the shafts has been omitted, as being unnecessary to distinguish over the cited art.

Claims 9 and 10 depend from amended claim 8. Therefore, claims 8-10 and 17-18 are believed to now be allowable as amended.

D. Anticipation

Claims 1-5, 11-15 and 19 were rejected as anticipated by Wells (U.S. Pat. No. 2,242,604). Further, claims 1-7, 11-16 and 19 were rejected as anticipated by Chester (U.S. Pat. No. 2,459,918).

As an initial matter, applicants wish to note that both of the cited references pertain to exhaust systems, and not to guards for coupled shafts. Thus, it is not readily apparent that the cited art would be within the purview of an artisan skilled in the art of shaft drives, tractor implements and the like. The cited art may thus lack the requisite connection to the field of art of the claimed subject matter so as to be an improper basis to reject the claims.

This notwithstanding, claims 1 and 12 are hereby amended to recite that the guard sleeves are linked to or disposed between bell housings from which the shafts extend or by which the shaft are at least partially covered. These claims thus now recite shaft housings. And, it is now more clear that the guard is comprised of at least three sleeve components, including the inner, center and outer sleeves. These sleeves are distinct elements from the shafts, bell housings or other members being joined together.

In contrast, both Wells and Chester disclose two-piece telescoping structures. For example in Chester, the exhaust pipe 11 is connected to the extension tube 15 by

one tube 10, metal strips 38 and wire 36. In Wells, the exhaust pipes 7 and 8 are joined together by two sleeves 1 and 10 (having bell ends 76 and 86). At col. 2, lines 26-28, Wells discloses merely that "the outer end of each sleeve, or if there are more than two sleeves, the outer ends of the terminal sleeves, are belled . . ." However, there is no disclosure of how a device with "more than two sleeves" would be constructed, nor how such a device could be used with rotating coupled shafts as a guard, nor that the belled ends would house the shafts. The cited patents thus not only fail to teach shaft guards, but also the claimed construction of a three telescoping sleeve guard with shaft housings at each end.

Claims 2-7 and 11 depend from amended claim 1 and claims 13-16 and 19 depend from amended claim 12, and are thus believed to be allowable for the reasons stated above.

Accordingly, withdrawal of all claim rejections is respectfully requested.

Conclusion

Applicants respectfully assert that all cited rejections have been overcome by the amendments and remarks herein. The application is now believed to be in condition for allowance, and a Notice of Allowance is requested. The Examiner is invited to contact the undersigned at the telephone number below if such would advance the prosecution of this application.

A Petition for a one-month extension of time is enclosed. Authorization is given therein to charge the \$120 fee to Deposit Account No. 17-0055. Authorization is hereby given to charge any additional fees arising as a result of this Amendment to that deposit account.

Respectfully submitted,

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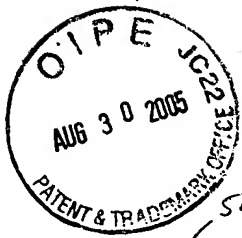
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DRAWING AMENDMENTS:

To address the issues raised in paragraph 1, page 2 of the above Office action, Applicants propose amending the drawings as shown in the enclosed Annotated Marked-Up Drawing sheet. Formal Replacement Sheets are enclosed, which include the proposed changes.



ANNOTATED MARKED-UP DRAWINGS

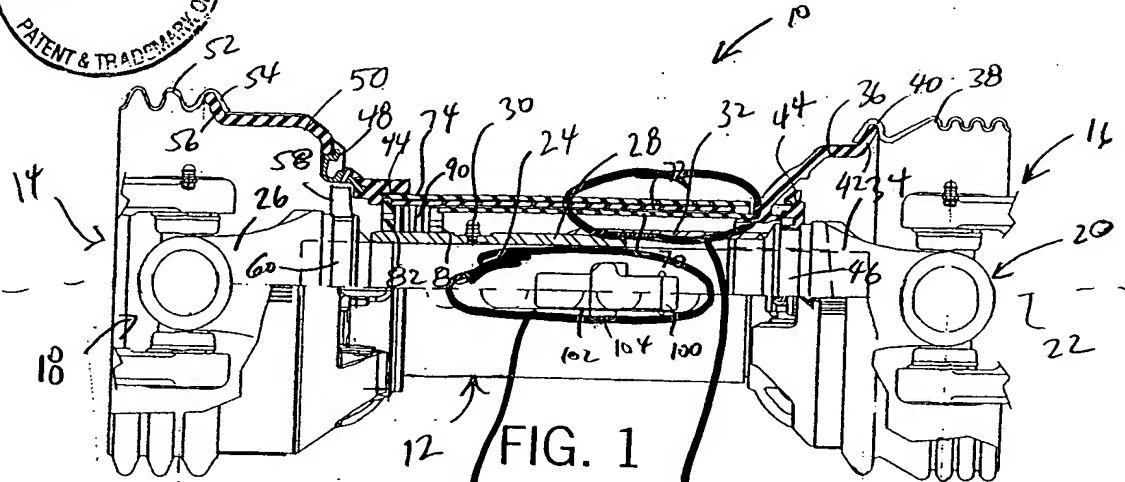


FIG. 1

clean up

Show tab/slot as in Fig. 2

Show w/
Correct X-hatching
and at increased
scale X 1.5 - X 2

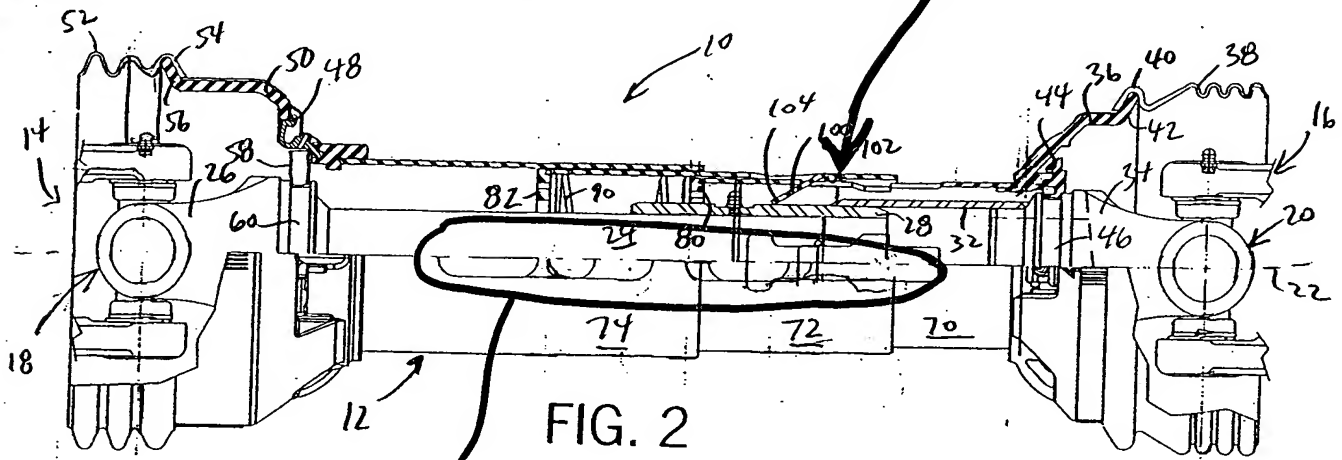


FIG. 2

clean up